UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,512	05/11/2005	Jun Hirano	L8638.04106	5470

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EXAMINER
ZEWARI, SAYED T

ART UNIT	PAPER NUMBER
2617	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)	
Office Action Summary	10/520,512	HIRANO, JUN	
	Examiner	Art Unit	
	SAYED T. ZEWARI	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>06 July 2009</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>26-43</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>26-43</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
         application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   Applicant's arguments filed on 7/06/2009 have been fully considered but they are

not persuasive.

2.   Applicants' argument stating that *"Texerman does not disclose the instant*

claimed subject matter of a radio communication terminal that acquires a received

header of data communicated between other radio communication terminals" is not

persuasive. Texerman discloses communication between mobile terminals and thus

receiving of headers from other communication devices. That is because headers are a

necessary part of every communication between terminals. Therefore, the examiner

maintains the rejection.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

4.   Claims 26-43 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention. These claims are at best very confusing. These

claims need to be completely rewritten in a very clear and distinct manner in order to be

understood. For example claim 26 lacks clear steps of what is being done and is just a

one long sentence. Claim 26 reads as "radio communication terminal acquires in

advance a header of said data". It is not clear how terminal acquire headers in advance.

For the purpose of examination, the claim is interpreted as a TDMA based system

wherein headers are received before actual data.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6.   Claims 26-43 are rejected under 35 U.S.C. 102 (e) as being anticipated by

Texerman et al. (US 2004/0141522).

        With respect to claim 26, Texerman discloses a radio communication method in a

wireless LAN system for radio communication based on TDMA system with idle time

provided between data to be transmitted and received by radio communication

terminals **(See Texerman's abstract, section [0001], [0038], [0083], [0126])**, wherein

a ~~said~~ radio communication terminal acquires in advance a header of said data which is

exchanged between other radio communication terminals, and in case of receiving data

without a header from one of said other communication terminals to said radio

communication terminal, said radio communication terminal performs processing of said

received data referring to said header acquired in advance **(See Texerman's section [0032], [0064]-[0067], [0082], [006]-[0008]).**

With respect to claim 38, Texerman discloses a radio communication terminal in a wireless LAN system, wherein radio communication based on a TDMA system is performed with idle time provided between data transmitted and received by radio communication terminals **(See Texerman's abstract, section [0001], [0038], [0083], [0126])**, wherein said radio communication terminal acquires in advance a header of said data which is exchanged between other radio communication terminals, and in case of receiving data without a header from one of said other communication terminals to said radio communication terminal , said radio communication terminal performs processing of said received data referring to said header acquired in advance **(See Texerman's section [0032], [0064]-[0067], [0082]).**

With respect to claim 41, Texerman discloses a radio LAN system where radio communication based on a TDMA system is performed with idle time provided between data transmitted and received by radio communication terminals **(See Texerman's abstract, section [0001], [0038], [0083], [0126])**, wherein a radio communication terminal acquires in advance a header of said data which is exchanged between other radio communication terminals, and in case of receiving data without a header from one of said other communication terminals to said radio communication terminal, said radio communication terminal performs processing of said received data referring to said header acquired in advance time **(See Texerman's section [0032], [0064]-[0067], [0082]).**

With respect to claim 27, Texerman discloses a radio communication method wherein said radio communication terminals change communication setting during said radio communication to reduce header transmission time and/or idle time **(See Texerman's abstract, section [0001], [0038], [0083], [0126], [0032], [0064]-[0067], [0082]).**

With respect to claim 28, Texerman discloses a radio communication method wherein said radio communication terminal acquires ability to reduce header transmission time and/or idle time of said radio communication terminal**(See Texerman's section [0032], [0064]-[0067], [0082])**, serving as a communication partner, from a radio communication terminal different from said radio communication terminal, serving as said communication partner, and by referring to said ability, said radio communication terminal changes communication setting during said radio communication to reduce said header transmission time and/or said idle time **(See Texerman's section [0032], [0064]-[0067], [0082]).**

With respect to claim 29, Texerman discloses a radio communication method wherein, when said radio communication terminal transmits said data, said header is added to said data for each of predetermined data transmissions and other data are transmitted without adding said header **(See Texerman's section [0064]-[0067], [0082], [0032]).**

With respect to claim 30, Texerman discloses a radio communication method wherein number of said data transmissions where said header is added is set in said communication setting **(See Texerman's section [0064]-[0067], [0082], [0032]).**

With respect to claim 31, Texerman discloses a radio communication method wherein, in case said radio communication terminal receives information relating to a header of a radio communication terminal, serving as said communication partner, identification information to identify a radio communication terminal, serving as transmission source of said information relating to said header, is associated with said information relating to said header received, and said identification information is transmitted to said radio communication terminal, serving as said transmission source **(See Texerman's section [0032], [0064]-[0067], [0082], [006]-[0008], [0011], [0013]).**

With respect to claim 32, Texerman discloses a radio communication method wherein said radio communication terminal transmits information relating to a header to said radio section as data and adds predetermined identification information associated with said header to data to be transmitted subsequently **(See Texerman's section [0032], [0064]-[0067], [0082], [006]-[0008], [0011], [0013], [0014]).**

With respect to claim 33, Texerman discloses a radio communication method wherein said identification information is set in said communication setting **(See Texerman's section [0064]-[0067], [0082], [0032]).**

With respect to claim 34, Texerman discloses a radio communication method wherein said identification information is set in said communication setting **(See Texerman's section [0064]-[0067], [0082], [0032]).**

With respect to claim 35, Texerman discloses a radio communication method wherein said radio communication terminal receives data, and transmits data after receiving acknowledgment information to notify that said data has been received when

said receiving acknowledgment information is transmitted **(See Texerman's section [0014], [0032], [0035], [0118]).**

With respect to claim 36, Texerman discloses a radio communication method wherein said radio communication terminal terminates transmission of said data following said receiving acknowledgment information in accordance with a predetermined condition **(See Texerman's section [0022], [0038], [0099]).**

With respect to claim 37, Texerman discloses a radio communication method wherein communication in accordance with IEEE Std 802.11 is utilized as said radio communication **(See Texerman's abstract, section [0001], [0008], [0010], [0028], [0029]).**

With respect to claim 39, Texerman discloses a radio communication terminal wherein communication setting to reduce header transmission time of and/or idle time during said radio communication is changed **(See Texerman's section [0032], [0064]-[0067], [0082]).**

With respect to claim 40, Texerman discloses a radio communication terminal wherein communication in accordance with IEEE Std 802.11 is utilized as said radio communication **(See Texerman's abstraction section [0001], [0008], [0010], [0028], [0029]).**

With respect to claim 42, Texerman discloses a radio LAN system wherein said radio communication terminals change communication setting during said radio communication to reduce header transmission time and/or idle time **(See Texerman's section [0032], [0064]-[0067], [0082]).**

With respect to claim 43, Texerman discloses a radio LAN system wherein communication in accordance with IEEE Std. 802.11 is utilized as said radio communication **(See Texerman's abstraction section [0001], [0008], [0010], [0028], [0029])**.

Conclusion

7.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAYED T. ZEWARI whose telephone number is (571)272-6851. The examiner can normally be reached on 8:30-4:30.

8.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G. Kincaid can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

9.   Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sayed T Zewari/
Examiner, Art Unit 2617
September 9, 2009

/Lester Kincaid/
Supervisory Patent Examiner, Art Unit 2617